



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 19 2011

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Patrick DeLong, Manager
The DeLong Company, Inc. Channahon Facility
23551 West Bluff Road
Channahon, Illinois 60410

Re: Notice and Finding of Violation
The DeLong Company, Inc.
Channahon Grain Elevator
Channahon, Illinois

Dear Mr. DeLong:

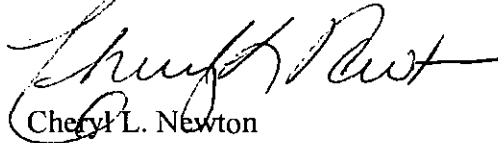
The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to The DeLong Company, Inc. (DeLong). The NOV/FOV is being issued under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are in violation of the Illinois State Implementation Plan (SIP) and the construction permits approved by the Illinois Environmental Protection Agency (IEPA) at your Channahon, Illinois facility.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The technical contact in this matter is Jennifer Wilson. You may call her at (312) 353-3115 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton", written in a cursive style.

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	NOTICE AND FINDING OF
)	VIOLATION
The DeLong Company, Inc.)	
Channahon Facility)	EPA-5-11-IL-05
Channahon, Illinois)	
)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

NOTICE and FINDING OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice and Finding of Violation under Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a). U.S. EPA finds that The DeLong Company, Inc. in Channahon, Illinois, is in violation of the Illinois State Implementation Plan (SIP) and the construction permits granted to the facility by IEPA as follows:

Regulatory Authority

1. Section 113(a) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan or permit.
2. On May 31, 1972, U.S. EPA approved Illinois Pollution Control Board (IPCB) Rules 101 and 103 as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842. IPCB Rule 101 is codified at 35 Illinois Administrative Code (IAC) § 201.102. IPCB Rule 103 is codified at 35 IAC §§ 201.142 and 201.143.
3. On February 21, 1980, U.S. EPA approved IPCB Rule 203 as part of the federally enforceable SIP for the State of Illinois. 45 Fed. Reg. 11493. IPCB Rule 203 is codified at 35 IAC §§ 212.461 and 212.462.

4. IPCB Rule 103(a)(1) [35 IAC 201.142] states that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source of air pollution equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA).
5. IPCB Rule 103(b)(1) [35 IAC 201.143] states that no person shall cause or allow the operation of any emission source or new air pollution control equipment, for which a construction permit is required, without first obtaining an operational permit from IEPA.
6. IPCB Rule 203(d)(9)(B) [35 IAC 212.462] states that "existing grain-handling operations with a total annual grain through-put of 300,000 bushels or more shall apply for an operating permit pursuant to Rule 103 of Part 1 [35 Ill. Adm. Code 201]."
7. IPCB Rule 203(d)(9)(B)(i)(a) [35 IAC 212.462(a)] requires that particulate matter generated during cleaning and separating operations be captured to the extent necessary to prevent visible particulate matter emissions directly into the atmosphere.
8. IPCB Rule 203(d)(9)(B)(i)(b) [35 IAC 212.462(b)] states that grain-handling operations having a grain through-put exceeding 2 million bushels per year and located within a major population area are required to collect air contaminants from cleaning and separating operations and to convey them through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 98% by weight prior to release into the atmosphere.
9. IPCB Rule 203(d)(9)(B)(ii) [35 IAC 212.462] requires that grain-handling operations apply induced draft to major dump pits and their associated equipment (including, but not limited to, boots, hoppers and legs) to such an extent that a minimum face velocity is maintained, at the effective grate surface, sufficient to contain particulate emissions generated in unloading operations. The minimum face velocity at the effective grate surface shall be at least 200 fpm, which shall be determined by using the equation: $V = Q/A$ where: V = face velocity; and Q = induced draft volume in scfm; and A = effective grate area in square feet. The induced draft air stream for grain-handling facilities having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be confined and conveyed through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 98% by weight.
10. IPCB Rule 203(d)(9)(B)(ii) [35 IAC 212.462] also requires that means or devices (including, but not limited to, quick-closing doors, air curtains or wind deflectors) shall be employed to prevent a wind velocity in excess of 50% of the induced draft face velocity at the pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph. The wind velocity shall be measured, with the induced draft system not operating, at a point midway between the dump-pit area walls at the point where the wind exits the dump-pit area, and at a height above the dump-pit area floor

of approximately two (2) feet; or (b) Any equivalent method, technique, system or combination thereof adequate to achieve, at a minimum, a particulate matter emission reduction equal to the reduction which could be achieved by compliance with subpart (ii)(a) herein [subsection (b)(1)].

11. IPCB Rule 203(d)(9)(A) [35 IAC 212.461] states that all grain-handling and grain-drying operations, regardless of size must implement the following housekeeping practices: (i) Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation; (ii) Cleaning and Maintenance. Floors shall be kept swept and cleaned from boot pit to cupola floor. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne; (iii) Dump Pit dust control devices shall be maintained and operated; (iv) The head house shall be maintained in such a fashion that visible quantities of dust or dirt shall not be allowed to escape to the atmosphere; (v) The yard and driveway of any facility shall be asphalted, oiled or equivalently treated to control dust; and (vi) Housekeeping check lists shall be completed by the manager and maintained on the premises for inspection by Agency personnel.

12. 35 IAC 211.3610 defines "major population area", which includes Will County, Illinois.

DeLong Channahon Facility

13. From 2006 until the present, The DeLong Company, Inc. (DeLong) owned and operated a grain elevator facility with a total annual grain throughput of greater than 2 million bushels at 23551 West Bluff Rd in Channahon, Will County, Illinois (the Facility).

14. The Facility processes soybeans, corn gluten meal (CGM), soybean meal, and ethanol by-products (DDGs) with trucks, dump pits, belt conveyors, and storage bins that create particulate matter.

15. The IEPA conducted an inspection of the Facility in June of 2008 and issued a violation notice to DeLong in August of 2008, which determined among other things that the Facility: failed to have a particulate matter air pollution control device, failed to obtain an operating permit, failed to measure wind velocity at the dump pit, failed to utilize the means or devices required to prevent wind velocities in excess of 50% of the induced draft face velocity at the dump pit, and failed to ensure that the internal transferring area was enclosed to prohibit visible particulate matter emissions directly into the atmosphere.

16. On March 23, 2009, IEPA issued construction permit no. 08100008 to DeLong to construct a dump pit shed and dump pit baffles for the two existing truck dump pits. Paragraph 6b of construction permit no. 08100008 states that the "[t]ruck dump pits enclosures shall be equipped with doors on both ends and shall be closed prior to unloading any truck to the associated dump pit."

17. On July 21, 2009, IEPA issued construction permit no. 09050017 to DeLong to construct a grain cleaning building containing two grain cleaners and one dust collector/baghouse as well as nine conveyors, four grain legs, and three grain bins. Paragraph 10a of construction permit no. 09050017 requires testing for fugitive emissions using opacity method 9 within 180 days of initial startup of the new equipment controlled with building enclosures, transfer equipment and baghouse.

18. On October 29, 2010, U.S. EPA personnel performed an inspection at the Facility and observed the following:

- a. Dump pit area: The dump pit area and shed were open at both ends and were not equipped with doors, wind deflectors or curtains. A three foot wide pile of grain had accumulated on the floor grating of the dump pit and was slowly draining to the grated system beneath the floor;
- b. Internal Transferring Area: Grains covered the floor and conveyor equipment in the internal transferring area of the Facility;
- c. Property: Dirt driveways were dusty. Grain was scattered on the dirt driveways and on the gravel yard of the Facility; and
- d. Operating Permit: The Facility had not applied for an operating permit as required by IPCB Rule 203(d)(9)(B).

19. During the October 29, 2010 inspection a DeLong employee told the U.S. EPA employees that opacity tests were not done on the building enclosures or transfer equipment within 180 days of the issuance of the construction permit.

20. During the October 29, 2010 inspection a DeLong employee told the U.S. EPA employees that the baghouse was installed in September 2009.

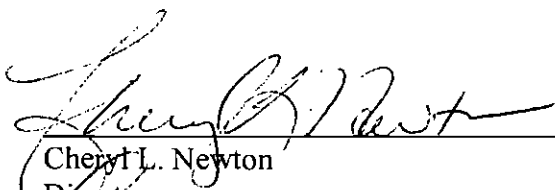
Violations

21. By failing to obtain an operating permit prior to the operation of the grain-handling system and continuing to operate without an operating permit from 2006 until the present, DeLong has violated and continues to violate IPCB Rule 103(b)(1) [35 IAC § 201.143] and IPCB Rule 203(d)(9)(B) [35 IAC § 212.462] of the Illinois SIP.

22. By failing to install and operate an air pollution control device to remove particulate matter from the cleaning and separating operations at the Facility from 2006 until September 2009, Delong violated IPCB Rule 203(d)(9)(B) [35 IAC § 212.462] of the Illinois SIP.

23. By failing to employ a means or device, including quick-closing doors, air curtains or wind deflectors, to prevent a wind velocity in excess of 50% of the induced draft face velocity at the dump pit area, DeLong violated IPCB Rule 203(d)(9)(B)(ii) [35 IAC 212.462] of the Illinois SIP.
24. By failing to keep the internal transferring area swept, clean and free of grain and dust on exposed flat surfaces, DeLong violated IPCB Rule 203(d)(9)(A)(ii)(a) [35 IAC 212.461] of the Illinois SIP.
25. By failing to asphalt, oil or equivalently treat the yard and driveways to control dust, DeLong violated IPCB Rule 203(d)(9)(A)(v) [35 IAC 212.461] of the Illinois SIP.
26. By failing to conduct opacity testing of emissions of the cleaning and separating operation within 180 days of start up of the cleaning operation, transfer equipment and baghouse, DeLong violated IPCB Rule 106(b) [35 IAC 201.282] and construction permit no. 09050017 and failed to demonstrate compliance with IPCB Rule 203(d)(9)(B)(i) and (iii) [35 IAC 212.462] of the Illinois SIP.

1/19/11
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

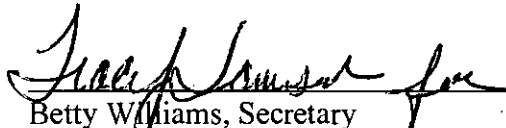
I, Betty Williams, do hereby certify that a Notice and Finding of Violation of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Patrick DeLong, Manager
The DeLong Company, Inc.
23551 West Bluff Rd.
Channahon, Illinois 60410

I also certify that I sent copies of the NOV/FOV by first class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 19 day of January, 2010.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7009 11680 0000 71660 8367